

Serial No: 10/021,346

BENDER et al.

B00/0570US

REMARKS

Claims 1-17 are now pending in the current application. Claim 16 has been amended to recite "catalytic converter for removing oxides of nitrogen from exhaust gases of internal combustion engines". Support for this amendment can be found in claim 17.

The Examiner rejected claim 16 under 35 USC §102(e) as being anticipated by **Tachihara et al.** (6,617,067). In particular, the Examiner argued that **Tachihara et al.** anticipates the currently claimed invention because it discloses a converter for catalytic conversion of liquid fuel, comprising an evaporator pipe (e.g. 1, 10), which consists of a cylindrical recess for fuel (T) and is situated in the interior of the catalytic converter (3) and a feed for partial gas stream exhaust gas and/or intake air (7), introduced in parallel whereby the converter is designed as a honeycomb element.

Anticipation under §102 can be found only if a reference shows exactly what is claimed.² The identical invention must be shown in as complete detail as is contained in the patent claim.³ It is the Applicant's position that **Tachihara et al.** do not disclose all the elements of the currently claimed invention.

Tachihara et al. disclose a fuel evaporator provided with an evaporation chamber that produces raw fuel gas by vaporizing raw fuel liquid by heat received from a plurality of heat medium tubes, wherein the heat medium is provided by a catalytic combustor being located adjacent to the bottom surface of the evaporation chamber. The evaporated fuel is then converted into hydrogen and carbon dioxide.

However, in amended claim 16 of the present invention, a converter for the catalytic conversion of liquid fuel is claimed having an evaporator pipe being located in the interior of a catalytic converter for removing oxides of nitrogen from exhaust gases of internal combustion engines.

In contrast to claim 16, the catalytic combustor of **Tachihara et al.** has no further function than producing heat, and furthermore, the catalyst of the CO remover 3 has no further action than converting carbon monoxide in the raw fuel gas to carbon dioxide.⁴ Therefore, **Tachihara et al.** do not disclose that these catalysts also remove oxides of

² Titanium Metals Corp. v. Banner, 778 F.2d 775, 227 USPQ 773 (CAFC 1985).

³ Richardson v. Suzuki Motor co., 868 F.2d 1226, 9 USPQ2d 1251, 9 USPQ2d 1913 (CAFC 1989).

⁴ **Tachihara et al.** column 8, lines 25-29; column 8, lines 63-67.

Serial No: 10/021,346

BENDER et al.

B00/0570US

nitrogen from exhaust gases. Alternatively, the catalytic converter of the currently claimed invention, however, does provide for the removal of oxides of nitrogen from exhaust gases.

Therefore, **Tachihara et al.** do not identically disclose all the elements of amended claim 16, and accordingly, Applicant respectfully requests that the §102 rejection be withdrawn.

The Examiner also rejected claim 16 as being anticipated by **Lesieur et al.** (US 6,620,389). The Examiner argued that **Lesieur et al.** anticipated claim 16 because the reference disclosed a converter for catalytic conversion of liquid fuel, comprising an evaporator pipe, which consists of a cylindrical recess for fuel, and is situated in the interior of the catalytic converter and feed for a partial gas stream of exhaust and/or intake air, introduced in parallel whereby the converter is designed as a honeycomb element.

However, contrary to the Examiner's position, **Lesieur et al.** does not disclose all the elements of the claimed invention. **Lesieur et al.** discloses a fuel gas steam reformer comprising a mixing station for intermixing a fuel and an air-steam stream to form a homogeneous fuel-air-steam mixture for admission into a catalyst bed. **Lesieur et al.** also discloses that the fuel is at least vaporized by the steam.⁵

However, **Lesieur et al.** does not disclose a converter for a catalytic conversion of liquid fuel bearing a catalytic converter for removing oxides of nitrogen from exhaust gases of internal combustion engines. In contrast, current amended claim 16 claims a converter for a catalytic conversion of liquid fuel having an evaporator pipe located in the interior of a catalytic converter for removing oxides of nitrogen from exhaust gases of internal combustion engines. Therefore, **Lesieur et al.** does not disclose all the elements of the present invention as claimed by claim 16.

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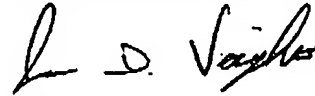
⁵ **Lesieur et al.**, column 4, lines 11 to 26.

Serial No: 10/021,346

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Respectfully submitted,
NOVAK DRUCE DELUCA & QUIGG, LLP



Jason D. Voight
Reg. No. 42,205

JDV/JWB

1300 Eye Street, N.W.
400 East Tower
Washington, D.C. 20005
T: 202.659.0100
F: 202.659.0105